

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice on March 12, 2007 at 9:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:	SB 49, SB 119, 3/5/2007
Executive Action:	SB 41, SB 50, SB 62, SB 63, SB 67, SB 73, SB 83, SB 85, SB 104, SB 306

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**HEARING ON SB 49**

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**Opening Statement by Sponsor:**

00:01:21 Sen. John Esp (R), SD 31, opened the hearing on SB 49,  
School enrollment by relative caretaker.

**Proponents' Testimony:**

00:10:05 Bruce Deitle, Division of Child and Family Services,  
Department of Public Health and Human Services, State  
of Montana  
00:11:11 Ann Brodsky, Legal Counsel, for Governor Schweitzer,  
State of Montana

**Opponents' Testimony:**

00:13:30 Lance Melton, Montana School Boards Association  
[EXHIBIT\(juh52a01\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:19:47 Rep. Cordier  
00:21:03 Sen. Esp  
00:25:26 Rep. Kottel  
00:25:43 Mr. Melton  
00:33:17 Rep. O'Hara  
00:33:58 Sen. Esp  
00:36:59 Rep. McGillvray  
00:37:59 Sen. Esp  
00:39:27 Rep. Gallik  
00:40:25 Sen. Esp  
00:42:25 Rep. Raser  
00:42:53 Mr. Melton  
00:49:02 Rep. French  
00:50:02 Mr. Melton  
00:55:58 Rep. Peterson  
00:56:32 Mr. Melton  
00:57:47 Rep. Kottel  
00:58:21 Mr. Melton

**Closing by Sponsor:**

01:03:55 Sen. Esp

**HEARING ON SB 119**

**Opening Statement by Sponsor:**

01:07:53 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 119, Clarify exchange of youth court record info with youth detention facilities.

**Proponents' Testimony:**

01:09:08 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:11:56 Rep. Jore

01:12:19 Ms. Bovington

**Closing by Sponsor:**

01:13:41 Sen. Moss

Received in Committee for SB 85:

**[EXHIBIT\(juh52a02\)](#)**

01:13:57 Break

01:32:49 Reconvene

**EXECUTIVE ACTION ON SB 41**

01:33:20 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN.**

01:33:43 **Motion:** Rep. Kottel moved that **SB 41 BE AMENDED.**

**[EXHIBIT\(juh52a03\)](#)**

**Discussion:**

01:34:45 Rep. Kottel

01:36:23 Rep. Jore

01:36:34 **Vote:** Motion that **SB 41 BE AMENDED** carried unanimously by voice vote. Rep. Koopman voted by proxy.

01:37:00 **Motion:** Rep. Kottel moved that **SB 41 BE CONCURRED IN AS AMENDED.**

01:37:09 **Motion:** Rep. Kottel moved that **SB 41 BE AMENDED.**  
[EXHIBIT\(juh52a04\)](#)

**Discussion:**

01:38:11 Rep. Jore

01:38:55 Rep. Kottel

01:40:05 **Vote:** Motion that **SB 41 BE AMENDED** carried 16-1 by voice vote with Rep. Jore voting no. Rep. Koopman voted by proxy.

01:40:18 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:40:27 **Motion:** Rep. Jore moved that **SB 41 BE AMENDED with a CONCEPTUAL AMENDMENT** to change "use" to "purpose."

01:43:18 Rep. Ward

01:43:33 Rep. Jore

01:44:21 Rep. Peterson

01:45:06 Rep. Kottel

01:46:24 David Niss, Legislative Services

01:47:00 Rep. Gallik

01:47:58 Rep. Stoker

01:49:02 Rep. Jore

01:50:05 **Vote:** Motion that **SB 41 BE AMENDED** carried 15-2 by roll call vote with Rep. Raser and Rep Driscoll voting no. Rep. Koopman voted by proxy.

01:50:58 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:51:24 Rep. Peterson

01:52:32 Rep. Kottel

01:53:08 Mr. Niss

01:54:35 Rep. Stoker

01:55:14 Rep. Gallik

01:56:27 Rep. Peterson

01:57:32 Rep. Raser

01:58:27 Rep. Jore

01:59:32 Rep. Rice  
02:00:19 Rep. Raser  
02:00:21 Rep. Kottel  
02:00:58 Rep. Gallik

02:01:59 Chairman Rice postponed action on SB 41.

02:02:10 Rep. Ebinger  
02:02:20 Rep. Niss

**EXECUTIVE ACTION ON SB 50**

02:03:05 Rep. Peterson postponed action on SB 50.

**EXECUTIVE ACTION ON SB 62**

02:03:50 **Motion:** Rep. Stoker moved that **SB 62 BE CONCURRED IN.**

**Discussion:**

02:04:04 Rep. Driscoll

02:04:21 **Vote:** Motion that **SB 62 BE CONCURRED IN** carried 10-7 by roll call vote with Reps. Everett, Koopman, Peterson, McGillvray, Ward, Jore, and Rice voting no. Reps. Koopman and O'Hara voted by proxy. Rep. Driscoll to carry on the House Floor.

**EXECUTIVE ACTION ON SB 63**

02:06:09 **Motion:** Rep. Stoker moved that **SB 63 BE CONCURRED IN.**

**Discussion:**

02:06:27 Rep. Rice

02:07:20 **Vote:** Motion that **SB 63 BE CONCURRED IN** failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Peterson, Kottel, and Ebinger voting aye. Rep. O'Hara voted by proxy.

02:07:27 **Motion/Vote:** Rep. Stoker moved that **SB 63 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. O'Hara voted by proxy.

**EXECUTIVE ACTION ON SB 67**

02:07:59 **Motion:** Rep. Stoker moved that **SB 67 BE CONCURRED IN.**

**Discussion:**

02:08:12 Rep. Peterson  
02:08:34 Rep. McGillvray  
02:09:17 Rep. Ebinger  
02:10:33 Rep. Ward  
02:11:42 Rep. Ebinger  
02:11:58 Rep. French  
02:12:52 Rep. Stoker  
02:13:53 Rep. Kottel  
02:16:42 Rep. Koopman  
02:20:48 Rep. Raser  
02:21:48 Rep. Peterson  
02:22:31 Rep. French  
02:22:45 Rep. Gallik

02:24:33 **Vote:** Motion that **SB 67 BE CONCURRED IN** failed 7-10 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ebinger voting aye.

02:25:20 **Motion/Vote:** Rep. Stoker moved that **SB 67 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 73**

02:25:48 **Motion/Vote:** Rep. McGillvray moved that **SB 73 BE CONCURRED IN.** Motion carried 16-1 with Rep. Ward voting no. Rep. Peterson to carry on House Floor.

**EXECUTIVE ACTION ON SB 83**

02:27:10 **Motion:** Rep. Stoker moved that **SB 83 BE CONCURRED IN.**

**Discussion:**

02:27:53 Rep. Rice  
02:28:06 Rep. Gallik  
02:28:45 Rep. Peterson  
02:29:28 Rep. Stoker

02:30:02 **Vote:** Motion that **SB 83 BE CONCURRED IN** carried 15-2 by roll call vote with Reps. Koopman and Jore voting no. Rep. Gallik to carry on House Floor.

**EXECUTIVE ACTION ON SB 85**

02:31:40 **Motion:** Rep. Stoker moved that **SB 85 BE CONCURRED IN.**

**Discussion:**

02:31:52 Rep. Kottel  
02:34:14 Rep. French  
02:34:39 Rep. Stoker  
02:36:47 Rep. Koopman  
02:37:35 Rep. Kottel  
02:39:41 Rep. Ward  
02:40:04 Rep. Gallik  
02:42:38 Rep. Raser  
02:43:38 Rep. Stoker  
02:44:46 Rep. Peterson  
02:46:08 Rep. McGillvray  
02:46:33 Rep. Rice

02:49:21 **Vote:** Motion that **SB 85 BE CONCURRED IN** carried 15-2 by roll call vote with Reps. Everett and Jore voting no. Rep. O'Hara will carry on the House Floor.

**EXECUTIVE ACTION ON SB 104**

02:50:31 **Motion:** Rep. McGillvray moved that **SB 104 BE CONCURRED IN.**

**Discussion:**

02:51:00 Rep. Jore  
02:51:39 Rep. Stoker  
02:52:10 Rep. Peterson  
02:52:41 Rep. Kottel

02:53:38 **Vote:** Motion that **SB 104 BE CONCURRED IN** carried 16-1 by roll call vote with Rep. McGillvray voting no. Rep. Gallik to carry on the House Floor.

**EXECUTIVE ACTION ON SB 306**

02:54:48 **Motion:** Rep. McGillvray moved that **SB 306 BE CONCURRED IN.**

**Discussion:**

02:54:57 Rep. Gallik  
02:56:10 Rep. McGillvray  
03:00:02 Rep. Ward  
03:02:18 Rep. Driscoll  
03:04:27 Rep. Stoker

03:07:06 **Substitute Motion/Vote:** Rep. Everett made a substitute motion that **SB 306 BE TABLED.** Substitute motion carried 9-8 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ward, and Ebinger voting no.

03:08:10 Rep. Raser

**EXECUTIVE ACTION ON SB 62**

03:08:55 Rep. Peterson

Received in Committee for SB 306:

[\*\*EXHIBIT\(juh52a05\)\*\*](#)

[\*\*EXHIBIT\(juh52a06\)\*\*](#)

[\*\*EXHIBIT\(juh52a07\)\*\*](#)



**ADJOURNMENT**

Adjournment: 12:12 P.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh52aad.pdf](#))**